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**ATTORNEY FOR PLAINTIFF**  
**UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**BILLINGS DIVISION**

<b>UNITED STATES OF AMERICA,</b>	<b>CR 18-25-BLG-SPW</b>
<b>Plaintiff,</b>	
<b>vs.</b>	<b>OFFER OF PROOF</b>
<b>NICHOLE RENEE WALDHALM,</b>	
<b>Defendant.</b>	

The United States of America, represented by Assistant United States Attorney Colin M. Rubich, files its offer of proof in anticipation of the change of plea hearing set in this case on July 3, 2018.

## **THE CHARGE**

The defendant, Nichole Renee Waldhalm, is charged by Indictment with conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 846 (Count I) and possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) (Count II).

## **PLEA AGREEMENT**

There is a plea agreement in this case. Waldhalm will plead guilty to Count I, conspiracy to possess with intent to distribute methamphetamine. At the time of sentencing, the United States will move to dismiss Count II of the Indictment if the Court accepts the plea agreement. The plea agreement filed with the Court is the only and most favorable offer extended to the defendant. *See Missouri v. Frye*, 566 U.S. 134 (2012).

## **ELEMENTS OF THE CHARGE**

In order for Waldhalm to be found guilty of conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 846, as charged in Count I of the Indictment, the United States must prove each of the following elements beyond a reasonable doubt:

**First**, there was an agreement between two or more people to possess methamphetamine with intent to distribute;

**Second**, the defendant entered the agreement knowing of its objectives and intending to accomplish at least one of those objectives; and

**Third**, the amount of methamphetamine that fell within the scope of the defendant's agreement with his coconspirators or was otherwise reasonably foreseeable to the defendant was at least 50 grams of actual methamphetamine.

### **PENALTY**

Count I of the Indictment carries a mandatory minimum ten years to life imprisonment, a \$10,000,000 fine, at least five years of supervised release, and a \$100 special assessment.

### **ANTICIPATED EVIDENCE**

If this case were tried in United States District Court, the United States would prove the following:

In early October of 2017, members of the EMHIDTA task force received information that the defendant, Nichole Waldhalm, was distributing methamphetamine in the Billings area that she received from California.

On October 3, 2017, a CI conducted a controlled purchase of ¼ ounce of methamphetamine from Waldhalm and co-defendant James Nevels. Nevels is currently on parole in California.

On October 4, 2017, the CI purchased ½ ounce of methamphetamine from Waldhalm, who told the CI that the methamphetamine was Nevels' methamphetamine.

On October 10, 2017, the CI attempted to purchase methamphetamine from Waldhalm, but she was out of town. Instead, Waldhalm told the CI to meet Nevels at her apartment. Nevels sold the CI one ounce of methamphetamine.

On November 9, 2017, the CI purchased another ½ ounce of methamphetamine from Waldhalm.

On December 12, 2017, Waldhalm was arrested by the Montana Highway Patrol and found to be in possession of one ounce of methamphetamine, one ounce of cocaine, and a stolen firearm. Waldhalm admitted that she had been selling methamphetamine since October of 2016 and that in September of 2017, she and Nevels brought between two and four ounces of methamphetamine from California to Montana.

The methamphetamine implicated in the conspiracy totals more than 50 grams of actual methamphetamine.

DATED this 2nd day of July, 2018.

KURT G. ALME  
United States Attorney

/s/ Colin M. Rubich  
COLIN M. RUBICH  
Assistant U.S. Attorney